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Trustees of Dublin Township, Ohio

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TRUSTEES OF DUBLIN TOWNSHIP, OHIO.

[To accompany bill H. R. No. 295.]

APRIL 4, 1840.

Mr. LINCOLN, from the Committee on the Public Lands, submitted the following

REPORT :

The Committee on the Public Lands, to whom was referred the petition of the trustees of the township of Dublin, in the county of Mercer, and State of Ohio, for compensation from the Treasury for the value of certain parts of section sixteen in said township of Dublin, reserved to the use of schools, which, previous to the survey of said township, had been covered by grants made by Congress, make the following report :

That the whole subject-matter has been, repeatedly before, submitted to the consideration and action of the House of Representatives. At the last session of the last Congress, the Committee on the Public Lands presented a detailed report of the facts in the case, with a bill for the relief of the petitioners; intended to carry into effect, in favor of the township, the policy of the Government in securing portions of the public lands for the use of schools. This committee adopt and again submit that report, with the same bill for the relief of the petitioners; fully concurring in the opinion, that it is the appropriate measure both of expediency and justice in the premises.

FEBRUARY 6, 1839.

The Committee on the Public Lands, to whom was referred the application of the trustees of the township of Dublin, in the county of Mercer, and State of Ohio, to be compensated from the Treasury for parts of section sixteen in said township of Dublin, reserved to the use of schools, which, previous to the survey of said township, had been covered by grants made by Congress, and to whom, also, was referred a communication of the Commissioner of the General Land Office on the same subject, report :

That it appears, by satisfactory evidence, in public documents and otherwise, that, previous to the extinction of the Indian title and the survey of that portion of the public lands in the State of Ohio which includes the present township of Dublin, Congress made grants to Anthony Shane and to Louis Godfroy, the location of which, upon the subsequent survey of said

lands, was found to include parts of the section sixteen in said township, reserved for the use of schools. Upon a representation of the facts in the case by the trustees of said township, Congress, at the last session, to wit, on the 28th of June, 1838, passed a law directing the Commissioner of the General Land Office "to ascertain the quantity of land contained in said section, and the quantity covered by each grant made by the United States to Anthony Shane and to Louis Godfroy in that section; and that he cause the land so granted to be appraised by two judicious and disinterested freeholders under oath, without regard to the improvements made thereon; and that he make report of the proceedings here directed to Congress as soon as the same shall be had."

Pursuant to this authority and direction, the Commissioner of the General Land Office has caused the whole quantity of land in said section to be ascertained, as also the quantity in said section covered by the grants, respectively, to the said Anthony Shane and Louis Godfroy. And it is thus made to appear that Shane's grant includes of said section $155\frac{5}{10}$ acres, and Godfroy's grant $213\frac{3}{10}$ acres; the whole of which was appraised, pursuant to the further provisions of the act of the 28th of June last, at \$6 per acre; amounting, in relation to the land covered by the grant to Anthony Shane, to \$933 24, and in relation to the grant to Louis Godfroy, to \$1,279 86. To these sums the committee are of opinion the township of Dublin is entitled from the United States, as an equivalent and in compensation for those parts of the section sixteen, reserved for the use of schools, which, previous to the survey of said township, were covered by the location of the grants by Congress to said Anthony Shane and Louis Godfroy; and for the payment thereof the committee herewith report a bill.

As parts of this report, the committee refer to and adopt the report of the Committee on the Public Lands (Document No. 559) of the last session of Congress, the act of Congress of 28th of June, 1838, before cited, together with the communications of the Commissioner of the General Land Office, being Document No. 9, of the present session.

FEBRUARY 17, 1838.

The Committee on the Public Lands, to whom was referred the memorial of Joseph Greer, Jesse McCristy, and James Gillispie, trustees of the township of Dublin, Mercer county, Ohio, report:

That they find the material facts to be correctly stated in the petition; and, without recital, they make the same a part of this report. The grant to Mr. Shane is in the act of February 24, 1815 (United States Laws, vol. 4, page 807).

It appears from a communication made by the Commissioner of the Land Office to the Hon. Mr. Goode, that two surveys have been returned to the General Land Office of the location of Mr. Shane's and Louis Godfroy's grants; and by one survey, that $392\frac{1}{10}$ acres of the section is covered by it, and by the other survey, that $435\frac{1}{10}$ acres of the section is covered by it.

The committee think the township is entitled to the value of the land, as in a state of nature. This was the relief granted to the legal representatives of Philip Barbour, by an act passed on the 14th of January, 1820

(Laws of the United States, vol. 6, page 447); and also to those who owned lands between Ludlow and Roberts's line, in Ohio (see act of May 26, 1824, vol. 7, page 320, and the act of May 26, 1830, vol. 8, page 318).

The grant to Louis Godfroy is not mentioned in the act containing the grant to Mr. Shane; but, as the committee propose at present that no more be done than to ascertain the quantity of land covered by these grants, and its value, the grant to Mr. Godfroy may be further examined. It is first spoken of in the abovementioned letter from the Commissioner of the Land Office.

To the Senate and House of Representatives of the United States of America in Congress assembled :

The petition of the trustees of the township of Dublin, Mercer county, and State of Ohio, respectfully sheweth : That by a compact made by and between the said United States and the State of Ohio, section sixteen in each township was granted by the United States to the inhabitants of such township for the use of common schools; that, after such compact was made, to wit, on the 24th of February, 1815, Congress made a grant of 320 acres to Anthony Shane, lying on the river St. Mary's, at a place called Shane's crossing, within the said State of Ohio; which grant was in consideration of valuable and faithful services rendered to the United States during the (then) present war by said Anthony Shane.

At that time the Indian title was not extinguished to the land in that section of the country, nor was it extinguished or surveyed until several years thereafter; that, on surveying the country in townships and sections, it so happened that the said 320 acres described in said grant was within, and embraced by, the section numbered sixteen. Your petitioners believe the said township of Dublin had a vested right in the entire section sixteen, which no act of Congress can impair; but not being disposed to assert their right to that particular land, if Congress would do justice to them in the premises (which they could not doubt), they sent a petition to Congress about six years ago, and requested the selection of other lands in the immediate vicinity of equal value, if they would relinquish their right to the grant made to Anthony Shane. They regret to learn, on making a recent inquiry, that said petition cannot be found at Washington in the Clerk's office, where they had no doubt it was. The land so granted to the said Anthony Shane was, and is, exceedingly valuable, on account of its local situation and quality of soil. A part of it is occupied by the village of Shanesville; on the main road from St. Mary's to Fort Wayne. All the good land in the vicinity is purchased, and your petitioners cannot now accept of a like quantity in satisfaction of the land so embraced in the grant made to said Shane. They have not waived their right to section sixteen, nor do they intend to do so, unless an amicable arrangement shall be made between them and Congress. They are willing to take the value of said 320 acres, without reference to the improvements made thereon; and, as advised, they cannot, in the faithful discharge of their trust, take less.

As the trustees of said township we submit the case to Congress, and shall, for the present, take no other measures. We do this from the belief

that Congress will do justice to the inhabitants of said township, without forcing them to assert their rights before another tribunal.

JOSEPH GREER,
JESSE McCRISTY,
JAMES GILLISPIE,

Trustees of the township of Dublin, Mercer county, Ohio.

SEPTEMBER, 1837.

GENERAL LAND OFFICE,
February 14, 1838.

SIR: In answer to your verbal inquiry of this morning, I have the honor to state that, from the first plat transmitted to this office by the surveyor-general, that part of section 16, in township 4 south, of range 2 east, in the Lima district (formerly Piqua), not interfered with by the locations of Anthony-Shane and Louis Godfroy, is represented as containing $247\frac{1}{10}$ acres; by a subsequent plat (certified 24th of February, 1820), the said portion of that section is returned as containing $204\frac{8}{10}$ acres.

Allowing section 16 as a full section, viz: 640 acres, it would appear that by the plat first mentioned $392\frac{9}{10}$ acres of the section are covered by the locations mentioned; and by the other plat, that $435\frac{1}{10}$ acres are covered by the said locations.

With great respect, your obedient servant,

JAMES WHITCOMB, *Commissioner.*

Hon. P. G. GOODE,
House of Representatives.

Letter from the Commissioner of the General Land Office, transmitting the information required by the provisions of the act of the 28th of June, 1838, directing the Commissioner of the General Land Office to ascertain the quantity of land covered by grants to Anthony Shane and Louis Godfroy, &c.

GENERAL LAND OFFICE,
December 5, 1838.

SIR: In compliance with the provisions of the act of Congress, approved the 28th of June, 1838, entitled "An act directing the Commissioner of the General Land Office to ascertain the quantity of land covered by grants made to Anthony Shane and to Louis Godfroy in section sixteen, township four south, range two east, in Lima district, Ohio, and its value," I have the honor to report that the quantity of land in that section is $615\frac{8}{10}$ acres; that the quantity of land within its limits granted to Anthony Shane is $155\frac{6}{10}$ acres, which has been appraised, in pursuance of the provisions of the aforesaid act, to be worth \$6 per acre; and that the quantity granted to Louis Godfroy is $213\frac{2}{10}$ acres, in like manner appraised to be worth \$6 per acre.

The instructions from this office to the register at Lima, for carrying into effect the provisions of the act, will be found in the document marked A; and his reply, accompanied by a diagram of the section, furnished by the

surveyor-general, the oaths of the appraisers, and the appraisement in that marked B, herewith transmitted.

With great respect, I have the honor to be, sir, your obedient servant,
JAMES WHITCOMB, *Commissioner.*

Hon. JAMES K. POLK,

Speaker of the House of Representatives.

A.

GENERAL LAND OFFICE,
July 5, 1838.

SIR: I enclose, herewith, a certified copy of the act of Congress, approved the 28th ultimo, entitled "An act directing the Commissioner of the General Land Office to ascertain the quantity of land covered by grants made to Anthony Shane and to Louis Godfroy in section sixteen, township four south, range two east, in Lima district, Ohio, and its value."

The surveyor-general has this day been instructed to prepare and transmit to you a diagram, exhibiting the quantity of land within the limits of this section covered by each of the grants; on receipt of which, you will be pleased to select "two judicious and disinterested freeholders," not residents of the township, who may be willing to make the appraisement, under oath, in the manner pointed out in the act, and certify to you, in writing, the value of such parts of the section as may be covered by each of the aforesaid grants, without regard to the improvements made thereon.

The certificate of the appraisers you will transmit to this office, accompanied by any opinion you may have formed as to the probable value of the tracts in question.

I am, &c.,
JAMES WHITCOMB, *Commissioner.*

REGISTER OF THE LAND OFFICE,
Lima, Ohio.

B.

LIMA, September 11, 1838.

SIR: I proceeded, in company with Alexander Beaty, of Allen county, and John Elliott, of Mercer county; they viewed the land, as per your instructions, and, after a careful examination, made the enclosed report.

It is my opinion that the valuation fixed by the appraisers is such as will render justice to all parties. I enclose you the law, on which is endorsed the oath of the appraisers. I also enclose you the valuation and the diagram.

Your obedient servant,

JOHN P. HELFENSTEIN.

Hon. JAMES WHITCOMB,

Commissioner of the General Land Office.

P. S. The persons selected to appraise the land were selected so as to leave no impression other than the most favorable—men of respectability, and long residents of this section of country.

J. P. H.

AN ACT directing the Commissioner of the General Land Office to ascertain the quantity of land covered by grants made to Anthony Shane and to Louis Godfroy in section sixteen; township four south, range two east, in Lima district, Ohio, and its value.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office ascertain the quantity of land contained in section sixteen, township four south, range two east, in Lima district, Ohio; and the quantity covered by each grant made by the United States to Anthony Shane and Louis Godfroy in said section; and that he cause the land so granted to be appraised by two judicious and disinterested freeholders under oath, without regard to the improvements made thereon; and that he make report of the proceedings here directed to Congress as soon as the same shall be had.

Approved June 28, 1838.

DEPARTMENT OF STATE, June 30, 1838.

A true copy, compared with the roll in this office.

A. VAIL, *Chief Clerk.*

STATE OF OHIO, *Mercer county:*

Personally came John Elliott and Alexander Beaty before me, William B. Hedges, one of the justices of the peace for the county aforesaid, and were duly sworn to discharge the duties enjoined upon them by appointment, to ascertain the quantity of land covered by grants made to Anthony Shane and Louis Godfroy, as specified in the within act of Congress, and the value thereof.

Given under my hand and seal, this 6th day of September, A. D. 1838.

WM. B. HEDGES. [L. s.]

SEPTEMBER 7, 1838.

We hereby certify that, having been requested by John P. Helfenstein, Esq., register of the United States land office at Lima, to examine and ascertain, under oath, the value of those portions of section number sixteen, in township number four south, of range number two east, covered by grants made to Anthony Shane and Louis Godfroy: after being sworn, we proceeded to appraise said tracts, and value the two fractions: one of $51\frac{2}{10}$ acres, and the other of $104\frac{6}{10}$ acres, included in the reservation of Anthony Shane, at \$6 per acre; and the fraction included in the reservation of Louis Godfroy, containing $213\frac{3}{10}$ acres, at \$6 per acre.

JOHN ELLIOTT,

ALEXANDER BEATY,

Appraisers.

Township 4 south, range 2 east, 1st meridian.



That portion of section 16 which is covered by the grants is shown by dotted lines.